THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18434 of 1997

Dated: 02.3.2007

Between:

S.T.Shakti Kumar

… Petitioner

AND

The Managing Director & Vice Chairman,
APSRTC, Musheerabad Depot.

And others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18434 of 1997

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in canceling the notification dated 7.9.1993 for filling up of 150 vacancies of Traffic Supervisor (Trainee), Mechanical Supervisor (Trainee) as illegal, arbitrary and violative of Article 14 and 16 of the constitution of India.

The respondents issued an employment notification on 7.9.1993 inviting applications from the eligible candidates for filling up the posts of Traffic Supervisor (Trainee), Mechanical Supervisor (Trainee). The petitioner is one among the applicants for the said post. Written examinations were conducted on 29.9.1994 and having been successful the petitioner was called for interview which he attended. Interview was preceded by a group discussion. However, the respondents published a news item on 18.5.1997 in daily newspapers to the effect that the employment notification dated 7.9.1993 was cancelled on the ground that the respondents did not provide 33% reservation for women. Questioning this decision of the respondents the present writ petition is filed.

No counter affidavit has been filed by the respondents. Heard Sri M.Subba Reddy, learned counsel for the petitioner and Sri M.R.Bose, learned counsel appearing for Sri P.Vinayaka Swamy, representing

respondents-Corporation.

The reason for the cancellation of the notification even according to the petitioner is that the statutory reservation meant for women was not followed. The petitioner does not dispute the obligation on the part of the respondents to provide for reservation for women. Therefore, it cannot be said that the decision taken by the respondents to provide reservation for women and cancellation of the earlier selection process for this reason suffers from arbitrariness or illegality. Moreover the petitioner who was successful in the written test has attended the interview but the final selections were not declared. The law is well settled that even in case of a selected candidate, he cannot claim any indefeasible right for appointment. The petitioner is placed even in inferior position to the selected candidates. Therefore, a right which is not vested in the selected candidates cannot be claimed by the petitioner.

For the aforementioned reasons, the writ petition fails and is dismissed. No costs.

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C.V.NAGARJUNA REDDY,J

Dt:02.3.2007
Mdaa.